

County of Orange  
Housing and Community Development  
Neighborhood Preservation Program Policies

**PURPOSE - Single Family-Owner Occupied and Multi-Family**

The purpose is to preserve existing affordable housing stock for very low, low and moderate-income families and to eliminate health and safety code violations as prescribed by local building codes as well as HUD's Housing Quality Standards, using federal, state, and local funds.

**SCOPE – Neighborhood Preservation Program**

The Neighborhood Preservation Program encompasses all programs offered by the Housing & Community Development Department to improve single family-owner occupied, single family-renter occupied, multi-family units (less than five and owner must occupy one of the units), large or complex multi-family units (5 units and above) and mobile homes. Funding sources utilized include federal Community Development Block Grants (CDBG); Home Investment Partnership (HOME) funds; State CalHome funds; and local Orange County Development Agency funds. The policies listed cover all improvement programs. Individual component programs which have additional program requirements (above the general NPP guidelines) will be detailed under the program title at the end of the general policy requirements.

**POLICIES**

**1) Policy Statement**

This Neighborhood Preservation Program Policy supercedes any previous policy pertaining to single family-owner occupied, single family-renter occupied, multi-family units (less than five and owner must occupy one of the units), large or complex multi-family units (5 units and above) and mobile homes, including the single-choice Block Rehabilitation Grant Program.

**2) Program Overview**

The County of Orange, Housing & Community Development Department contracts with a Service Provider for financial services (application intake, loan processing, underwriting, portfolio management) and construction management services (property inspection, work write-up, cost estimating, bid process, contractor selection, and construction oversight). The County of Orange/H&CD lends funds for the rehabilitation of qualified homes through a Rehabilitation Contract between the Property Owner and County of Orange. The Rehabilitation Agreement is a legal document regarding the use of funds for improvements. The Service Provider under contract to the County of Orange/H&CD is the primary contact between the Property Owner and selected Construction Contractor performing the rehabilitation improvements outlined in the Rehabilitation Contract. The Construction Contractor is selected by the owner from a list of approved Construction Contractors returning responsible and responsive bids and is bound via contract solely between the Property Owner and Construction Contractor. The Property Owner may select another qualified Construction Contractor (Construction Contractor must comply with Section 9) if within 10% of estimated work write up. While the County of Orange acts as a lender in the NPP, it is the Service Provider who performs Construction Contractor oversight and is the primary point of contact between the Property Owner and Construction Contractor. The County of Orange/H&CD monitors the performance of the Service Provider and the Construction Contractors through customer service surveys (Section 10) and will make determination of continued Construction Contractor participation based on the customer service surveys and monitoring by the Service Provider. As the recipient of public funds, the Property Owner's responsibility is to ensure the services contracted for in the Rehabilitation Agreements are received, including, to the best of the Property Owner's ability, that all proper permits are pulled and that services performed by the Construction Contractor were in fact contained in the Scope of Work.

**3) Eligible Locations**

This policy applies to CDBG designated targeted areas, unincorporated County of Orange territory, and participating cities in the County of Orange.

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**4) Program Priorities**

The single family residence improvement categories are to be prioritized as follows:

- a) Priority #1 - Exterior property improvements, including but not limited to roof, windows, exterior entrance doors, driveways, paint/stucco, fencing and landscape/irrigation.
- b) Priority #2 - Health & Safety Code violations.
- c) Priority #3 - Energy and/or water conservation items.

**5) Eligible Units for Rehabilitation**

Under this program, the following types of homes are eligible for home improvements:

- a) Single family-owner occupied in targeted blocks, within a project area and considered spot improvements, cited by Code Enforcement or Building Department, referred by Community leaders, or determined by County staff to meet pre-defined criteria for owner-referral properties.
- b) Multi-family units (less than five, owner must occupy one of the units).
- c) Large or complex multi-family units (five units or larger). All proposed rehabilitation for large or complex multi-family units will be considered on a case-by-case basis and will be individually packaged for consideration by the Project Advisory Committee and the Board of Supervisors.
- d) Mobile homes

**6) Not to Exceed Financial Criteria**

Criteria for all loans and grants. Additional items required by specific funding source are detailed under items 13 and 14.

- a) Total net assets, excluding equity in principal residence, cannot exceed \$150,000.
- b) Total liquid assets cannot exceed \$50,000.
- c) Total value of home (single-family) cannot exceed 120% of current median Orange County sales price for detached homes.
- d) Total project cost for single family-owner occupied cannot exceed \$50,000.
- e) Total project cost for multi-family units (less than five) is not to exceed \$80,000 (\$20,000 per unit).
- f) Total project cost for large or complex multi-family units is not to exceed \$3,000 per unit for a maximum of \$150,000 per complex, and must be matched at a minimum with 25% of private funds.

**7) Eligibility Criteria for Improvement Loans and Grants**

- a) In accordance with Title 1 of Housing and Community Development Act of 1974, family income will not exceed Section 8 low and moderate income levels as identified in the U.S. Department of Housing and Urban Development Section 8 Housing Assistance Payments program under 24 CFR 570.3.
- b) No bankruptcy within the last eighteen (18) months of application date.
- c) A credit report must have a credit rating that is acceptable in the financial lending industry.
- d) There will be no amount budgeted for general contingency. Any increase in project cost will be reviewed and approved by H&CD Director, or designee, or Loan Committee, whichever is applicable. H&CD Director, or designee, is authorized to approve change orders over the funding limits – up to 5% (\$2,500) over limit for single-family residences, up to 5% (\$1,000) per unit for multi-family and up to 10% (\$900) over limit for mobile homes.
- e) Existing home loan amount cannot exceed 90% of the Fair Market Value (FMV) before home improvement.
- f) Existing home loan amount plus home improvement total cost cannot exceed FMV or appraised value.
- g) Loans will be secured by a Deed of Trust.
- h) Applicants shall not be eligible to reapply for any new home improvement project for fifteen (15) years from the original project completion date on any property that has an existing Amortizing, Deferred Payment, Extreme Hardship Deferred Payment Loans, CalHome funded loan or has received a Mobile Home Grant.

**8) Loan Committee and Project Advisory Committee**

A Loan Committee will consist of the following members:

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- a) CEO representative.
- b) Auditor-Controller representative.
- c) H&CD/Housing Finance & Policy Division representative.

Loan Committee will review and approve all improvement applications:

- a) In excess of \$25,000.
- b) From County of Orange employees.
- c) For all Multi-family unit projects (less than 5 units)

The Project Advisory Committee will review all large or complex multi-family units (5 units or larger) proposed for rehabilitation and will recommend to the Board of Supervisors a loan package for consideration.

**9) Contractor Bidders' List**

- a) Director, Housing and Community Development, or designee, is authorized to develop and maintain an approved Contractor Bidders' List.
- b) Contractor applications will be accepted on an on-going basis and the list will be updated twice a year. All contractors selected for projects will have current license and certificate information verified prior to award of contract by Service Provider.
- c) Contractor must:
  - 1. Possess a current, valid California Contractors License, Home Improvement Certificate issued by State Contractors License Board, and must not be listed on any state or federal debarment list.
  - 2. Possess a certificate of insurance with at least the following limits:

i. Workers Compensation	Statutory
ii. Liability - Property Damage	\$1,000,000
iii. Liability - Personal Injury	\$1,000,000
iv. Liability - Automobile	\$ 500,000 minimum
- d) Contractor must maintain an acceptable performance rating to remain on the List.

**10) Customer Surveys**

Home improvement recipients (clients) will be interviewed regarding the services received from H&CD staff and the Contractor and again after one year from the initial interview.

**11) Reporting**

H&CD/Community Improvement Section will report on the status of the Neighborhood Preservation Program to the Board of Supervisors on a quarterly basis. Information contained in the status report will include:

- a) Number of improvements in consideration, in progress, and completed during past quarter, including amount and type of funds expended.
- b) Location of improvements by supervisorial district, city, and unincorporated area.
- c) Customer service survey results and any customer service issues or contractor issues of concern.
- d) General issues with improvement programs including updates or changes based on new state law or federal requirements.
- e) Locations of proposed future project areas.
- f) Status of prior project areas including maintenance issues.
- g) Number of times change orders are approved over funding limits.

**12) Loan and Grant Packages**

The loan and grant packages list all applicable criteria for the type of loan or grant to be used with federal (CDBG and HOME) funding sources. Additional guidelines for NDAPP and State of California CalHome funds are found under #14 *Additional Funding Sources and Requisite Guidelines*.

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- a) Amortized Loan (AL)– All applications will first be considered for an amortized loan.
  - 1. Total housing cost debt to gross income ratio cannot exceed 30 %.
  - 2. Total debt to gross income ratio cannot exceed 60%.
  - 3. Loan term is fifteen (15) years.
  - 4. Interest rate of 3% will be used for single family – owner occupied.
  - 5. Interest rate of 6% will be used for multi – units (less than five; owner occupies one unit).
  - 6. Loan principal plus earned interest is due and payable upon sale or transfer.
- b) Deferred Payment Loan (DPL) – Is for applicants that do not qualify for an AL because debt ratios exceed the 30% limits.
  - 1. DPL amount is difference between AL amount the applicant qualifies for and the total home improvement cost.
  - 2. Total housing cost debt to gross income ratio exceeds 30%.
  - 3. Total debt to gross income ratio cannot exceed 60%.
  - 4. Deferred Loan is fifteen (15) years.
  - 5. After fifteen (15) years, DPL is due and payable unless applicant is re-certified as a low to moderate-income family.
  - 6. 3% (Single family) or 6% (Multi-family) simple interest rate will be calculated annually and added to DPL principal amount or paid monthly, quarterly, semi-annually, or annually.
  - 7. Loan principal plus earned interest (simple) is due and payable upon sale or transfer.
- c) Extreme Hardship Deferred Payment Loan (EHDPL)
  - 1. Applicant does not qualify for AL and/or DPL.
  - 2. Must meet the low to moderate family income criteria as prescribed above.
  - 3. Must be reviewed and approved by Director, H&CD, or designee.
  - 4. Total project cost is not to exceed \$10,000.
  - 5. Can only be used for emergency Health and Safety Code violation items.
  - 6. Non-interest bearing Loan (principal only) is due and payable upon sale or transfer.
  - 7. Must be secured by a Deed of Trust.
- d) Emergency Grant:
  - 1. An Emergency Grant can be authorized providing the circumstances are such that there is an immediate health and safety danger to the occupants.
    - i. Occupants must meet the applicable eligible criteria (mentioned above) of this Program.
    - ii. Action(s) to be taken must provide immediate mitigation of the health and safety item(s).
    - iii. Grant amount is not to exceed \$5,000.
    - iv. Must be authorized by the Director, Housing and Community Development Department, or designee.
  - 2. Occupants may apply for any other loans, not to exceed \$50,000 total, under this Program after receiving this one time Emergency Grant.
- e) Lead-Based Paint Testing and Hazard Control Grant (Lead Grants):
  - 1. A Lead Based Paint Testing Grant is to be used to fund the initial testing for federally mandated Lead-Based Paint requirements. This grant is not to exceed \$750 (seven hundred fifty dollars).
  - 2. A Lead-Based Paint Hazard Control Grant is to be used to fund hazard control work or abatement, any relocation assistance and clearance testing for federally mandated Lead Based Paint requirements.
  - 3. Due to the federal Lead Based Paint mandate, the Lead Grants will not count towards any maximum loan or grant work.
  - 4. The Lead-Based Paint Hazard Control Grant agreement will require repayment of the entire grant amount if the property is sold or transferred within one year of the notice of completion and fifty (50) percent repayment if sold or transferred within two years of the notice of completion. The grant amount is forgiven after two years.
- f) Continual Maintenance Forgivable Loan (Maintenance Loan):

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1. A Continual Maintenance Forgivable Loan will be used in coordination with Amortized Loans or Deferred Payment Loans as method to assist property owners improve the external appearance of a home and to ensure they maintain their property.
  2. Maintenance Loans will be issued only under the following conditions:
    - i. Applicant is part of a targeted block focus initiated by the County to maximize funding sources and impact to residential areas.
    - ii. Total Maintenance Loan and AL or DPL do not exceed above guidelines.
    - iii. Landscaping, irrigation, fencing and paint/stucco work are completed in addition to rehabilitation of residence.
    - iv. Maintenance Loans are to be funded according to overall loan package:
      - a) Overall loan of \$15,000 to \$25,000 - \$5,000 max Maintenance Loan
      - b) Overall loan of \$25,000 and above - \$7,000 max Maintenance Loan
    - v. Maintenance Loan will be forgiven 20% per year based on acceptable maintenance of property as defined in the property owner agreement signed by the property owner. If it is deemed that the property owner fails to properly maintain the funded improvements, H&CD shall notify the property owner in writing of the maintenance issues and requirements and give the property owner thirty (30) days to comply. If not in compliance at the end of the thirty (30) days, H&CD shall notify the property owner that 20% of the Maintenance Loan (penalty) will not be forgiven after fourteen (14) days from the date of the second letter. If no improvement is made by the property owner, the H&CD Director, or designee, shall authorize staff to initiate processing of loan penalty. If after sixty (60) additional days property improvements have not been made, H&CD may begin notification process again.
- g) Mobile Home Exterior Grant Program:
1. All mobile home improvements shall be grants, unless funded using State CalHome funds in designated mobile home parks. (See State of California CalHome funding requirements.)
  2. Mobile home grants are limited to \$9,000.
  3. Eligible exterior items include: Repair or replacement of roofs, porches, windows, entry doors, undercarriage repairs, applicable termite work and exterior paint. No interior items allowed.
  4. Required Mobile Home building permits must be obtained and a State Certified Mobile Home Inspector must inspect items.
  5. H&CD Director, or designee, has authority to approve change orders up to 10% (\$900) above grant limit amount.

### 13) Federal Funding Sources

- a) Community Development Block Grants (CDBG)
1. Federal CDBG funds are to be used for:
    - i. Low-income eligible families (under 80% AMI) for Amortized Loans, Deferred Payment Loans, Extreme Hardship Deferred Payment Loans, Mobile Home Grants, Emergency Grants and Lead Based Paint Testing and Hazard Control Grants.
    - ii. As part of the NPP, and when done in conjunction with a targeted block focus, CDBG funds may be used for Continual Maintenance Forgivable Loans.
- b) Home Investment Partnerships (HOME) Program
1. Federal HOME funds are to be used for:
    - i. Low-income eligible families (under 80% AMI) for Amortized Loans, Deferred Payment Loans, Extreme Hardship Deferred Payment Loans, Mobile Home Grants, and Lead Based Paint Testing and Hazard Control Grants. No Emergency Grants are allowed using HOME funds.
    - ii. When using HOME funds for homeowner rehabilitation activities, the unit must be brought up to H&CD written rehabilitation standards and applicable state and local codes. H&CD's written rehabilitation standards include federal Section 8 Rental Assistance Housing Quality Standards.

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- iii. When using HOME funds, the value of the HOME assisted property after rehabilitation must not exceed 95 percent of the median purchase price for the area, as published by HUD or as determined locally through market analysis and approved by HUD.

**14) Additional Funding Sources and Requisite Guidelines**

- a) Orange County Development Agency (OCDA) – Neighborhood Development and Preservation Project (NDAPP)
  - 1. Eligible Applicants
    - i. Owner-occupied, single family residence with income at or below 120% AMI.
    - ii. Renter-occupied, single family residence and multi-family units with tenant income below 80% AMI.
  - 2. Additional Loan Terms
    - i. OCDA funds can be used for: Amortized Loans; Deferred Payment Loans; Emergency Grants; and Lead-Based Paint Testing and Hazard Control Grants.
    - ii. Owner Occupied
      - a. Loan terms are the same as Amortized Loans and Deferred Payment Loans.
      - b. Maximum loan amount is \$20,000 or \$10,000/unit for multi-unit. The OCDA loan plus all other indebtedness secured by the property cannot exceed value of property.
    - iii. Renter Occupied
      - a. Interest rate is 4% per year, with amortized monthly payments which must be covered by rental cash flow.
      - b. Loan plus interest due and payable in full at sale or transfer.
      - c. Owner responsible for submitting documentation of tenant income level(s).
      - d. Owner must repair interior to meet Housing Quality Standards inspection.
      - e. Owner must execute Covenant with affordability requirements of 1 year for each \$2,000 of financial assistance, which runs with land (applies even if sold).
      - f. Maximum loan amount is \$20,000 or \$10,000/unit for multi-unit. The OCDA loan plus all other indebtedness secured by the property cannot exceed value of property.
    - iv. Special Neighborhood Improvement Deferred Loan
      - a. Owner does not qualify for standard OCDA loan due to underwriting criteria, including inadequate rental cash flow.
      - b. Loan items for correction of blighting influence of property on neighborhood.
      - c. Maximum loan is \$8,000.
      - d. 3% (owner) or 4% (rental) simple interest, payable in full with interest on sale or transfer or at 15 years.
      - e. Loan-to-value, including OCDA loan, not to exceed 90%.
- b) State of California – CalHome Funds
  - 1. State CalHome Program general requirements:
    - i. All loans are deferred payment loans.
    - ii. Simple interest may be added, from 0% to 3% as determined by the jurisdiction.
    - iii. The term of the loan is either 15 years or the remaining term of the first mortgage, whichever is longer.
    - iv. Loans are due and payable upon transfer of title (except to spouse by inheritance or divorce), rental (occupancy monitoring is required) or refinance (no subordination is allowed).
    - v. Eligible owner-occupant household must have a current yearly income less than or equal to 80% of the County median income as published by State HCD (due to an upper cap, these limits are actually 74% of County median income).
    - vi. For single family residences, the maximum value of an eligible property is \$358,875.
    - vii. Total debt on the property, both existing mortgages and the proposed CalHome loan, must not exceed 90% of the after-rehab value of the property.
    - viii. For owner-occupied rehabilitation, the maximum loan is \$30,000, the minimum is \$5,000 and the average loan amount must not exceed \$20,000.

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- ix. For mobile homes, loan limits are \$20,000 maximum, \$2,000 minimum and \$10,000 maximum average.
  - x. Loans must be given within the jurisdiction – unincorporated areas. To get a bonus in the application rating, H&CD further committed to limit rehabilitation loans to Orange County Development Agency Project Areas.
2. Guidelines for Single-Family Residences
- i. CalHome guidelines allow jurisdictions to impose additional restrictions that do not contradict CalHome requirements. All CalHome funded single-family residences will conform to the current Federally-funded and Orange County Development Agency loans used in the Neighborhood Preservation Program, specifically guidelines for:
    - a. Amortized Loans guidelines.
    - b. Deferred Payment Loans guidelines.
  - ii. The deferred simple interest will be 3% per year.
  - iii. Client housing debt to income ratio will be at least 27% and total debt to income ratio will be at most 60%.
3. Guidelines for Mobile Homes
- i. Eligible Applicants
    - a. Mobile Home Parks physically located in Orange County Development Agency areas.
  - ii. Eligible Items of Work
    - a. Exterior Items: Loans may be given for items eligible under the mobile home grant program - roof, porches, windows, access and undercarriage, applicable termite work, and exterior painting.
    - b. The following interior items as needed to correct health and safety hazards: electrical, plumbing including fixtures, flooring and floor covering, heating and cooling, grab bars and other accessibility improvements. (see attached work specifications)
  - iii. All mobile home loans will be zero interest, deferred payment loans.
  - iv. CalHome funded mobile home loans may be combined with the federally funded Mobile Home Exterior Grant Program. Grant amount is limited to \$5,000 and must be less than 50% of overall assistance. All grant money is to be used only for exterior items as allowed under the Mobile Home Exterior Grant Program.

**15) Eligible Health and Safety Items**

- a) Single Family Residence Interior Health and Safety Items
  - 1. Electrical
    - i. Exposed hot wiring from missing light fixtures, switches, and receptacles.
    - ii. Illegal or hazardous garage wiring, i.e., exposed Romex, fixtures wired with extension cord, no receptacle provided for garage door opener.
    - iii. Replacement with CO/ALR receptacles & switches on homes with aluminum wiring.
    - iv. Replacement with GFCI receptacles within 6' of water source (Kitchen & bathrooms).
    - v. Upgrade of service to standard 100amp. To include new panel & fuses.
  - 2. Plumbing
    - i. Re-piping of water supply system in copper pipe if home is piped in galvanized pipe. To include new risers, angle-stops and flex-lines to existing fixtures.
    - ii. Replacement of main water supply line from meter to house in copper. To include pressure regulator if combined with existing galvanized plumbing.
    - iii. Toilets if cracked, leaking or not of the 1.5 gallon flush limitations. "Hi-boy " type toilets for the physically impaired.
    - iv. Faucets & tub/shower mixing valves that leak or are inoperative.
    - v. Under-sink drain plumbing if leaking or missing trap.

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3. Water Heaters
  - i. Complete replacement if found to be leaking from sources other than water supply inlets and P&T valves.
  - ii. Replacement of leaking water supply flex-lines, shut-off valves and/or P&T valves.
  - iii. Replacement of rigid aluminum gas supply tubing with new gas flex line.
  - iv. Correction of illegal or improper venting of flue gasses.
  - v. Replacement of compartment floors, pedestals if found to be structurally unsound. Installation of pedestals if water heater is on floor of garage. Installation of concrete pad if unit is on bare ground.
  - vi. Installation of galvanized enclosure if unit is located outside and unprotected.
  - vii. Installation of strap & bracket type seismic restraints.
  - viii. Installation of P & T drain line to either the exterior of cabinet or to plumbing drain pipe.
4. Gas Heating
  - i. Complete replacement of either FAU or wall furnace(s) if "red-tagged" from an inspection by the So. Calif. Gas Company, state/county/city building official or local fire department.
  - ii. Replacement of rigid aluminum gas supply tubing with new gas flex line.
  - iii. Correction of illegal or improper venting of flue gasses.

**16) Federally Mandated Lead-Based Paint Hazard Control Requirements**

- a) On September 15, 1999, HUD issued a regulation requiring lead-based paint hazard control on all housing using HUD funds. This regulation went into effect on January 10, 2002.
- b) H&CD will integrate lead-based paint hazard control into the NPP housing improvement activities at no cost to the property owner through the Lead-Based Paint Testing Grant and the Lead-Based Paint Hazard Control Grant utilizing appropriate funding sources including: Community Development Block Grants, HOME funds, and OCDA funds.
- c) First step will be to determine if lead-based paint testing is required. Criteria to determine this includes:
  1. if the residence was built before 1978;
  2. if the housing development or mobile home park is not restricted to seniors; and,
  3. if there is some existing deteriorated paint or paint that would be disturbed by the proposed rehabilitation.
- d) If it is determined that lead paint may be present and could pose a hazard, a testing and risk analysis by a State certified lead inspection firm will be ordered. The initial testing will be covered by a Lead-Base Paint Testing Grant not to exceed \$750.
- e) If the inspection report identifies any lead hazard(s), the bid specifications for the project will include elimination of each hazard following one of the recommended methods in the report.
  1. The cost of the hazard control work, clearance test and any temporary relocation required because of the lead work will be funded through a CDBG or OCDA grant agreement (the grant will require repayment if property sold in first two years).
  2. The objective is to create lead-safe, though not necessary lead-free housing. Since HUD is not providing additional funding for this mandate, the remediation option usually chosen will be to implement interim controls as opposed to complete abatement, unless lead-painted items such as window frames or roof fascia can be easily removed and need replacement anyway.
- f) After the contractor completes the lead hazard control work and thoroughly cleans the area, a clearance test will be scheduled.
  1. If clearance is not obtained, the contractor is responsible for correcting, cleaning and paying for another test.



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- g) When the unit passes the clearance test, and thereby is certified lead-safe by a State licensed inspector, the owner will receive a copy of the report, instructions on how to monitor and maintain the safety of any lead-paint remaining, and sign a written acknowledgement kept by H&CD. As discussed with County Counsel and Risk Management, the process as outlined, including a written acknowledgement on file at H&CD and providing grants for the work to be completed, is a process that protects the County against future liability.
- h) To be consistent with all NPP clients and protect their families from lead poisoning, H&CD proposes to use the same lead-based paint hazard control procedures and grant funding whether the rest of the housing rehabilitation is funded with HUD funds (CDBG or HOME) or with other funds (OCDA or CalHome). Some OCDA clients whose household income exceeds 80% of County median income will receive an OCDA-funded lead hazard control grant.